S.B.Civil Writ Petition NO.470/2005

Mst. Anchi

vs

State of Rajasthan & Ors.

DATE OF ORDER : - 25.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Shambhoo Singh, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner by this writ petition is seeking direction against the respondents to the effect that the respondents should obey the temporary injunction, which was granted against them vide orders dated 18th Dec.,2000 (Annex.3) and 7th June, 2002(Annex.4) passed by the Asstt. Collector, Balotra and which was affirmed by the revenue appellate authority vide order dated 17th July, 2002 (Annex.5).

The writ petition of the petitioner is absolutely misconceived in view of the fact that the petitioner himself admits that appropriate and proper relief has been granted to the petitioner by the competent court. Learned counsel for the petitioner admits that petitioner has

already moved an application for contempt against the non-petitioners, who violated the injunction order.

It would have been just and proper for petitioner to proceed with that contempt matter. He could have move an application for appropriate relief, in case the injunction order has been flouted by any of the defendants in the suit. Even the petitioner could have move application for mandatory injunction in case the defendants violated the injunction order and done something against the interest of the petitioner, which was protected by the order of the revenue court.

Hence, I do not find any merit in this writ petition and the same is here by dismissed.

(Prakash Tatia), J.

c.p.goyal/-